ONTARIO SPECIAL EDUCATION
(ENGLISH) TRIBUNAL

TRIBUNAL DE L'ÉDUCATION DE L'ENFANCE
EN DIFFICULTÉ DE L'ONTARIO (FRANÇAIS)

Ontario

Sessional Paper No. 12i
2nd Session 38th Parliament
Tabled: SEP 11 2007
Tabling Clerk: gb/mf

Annual Report

2006-2007

2008-01611/

Ontario Special Education (English) Tribunal

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June 12, 2007

Honourable Kathleen Wynne
Minister of Education
900 Bay Street, 22nd Floor, Mowat Block
Toronto ON M7A 1L2

Dear Minister,

We are pleased to submit the 2006-07 Annual Report of the Ontario Special Education (English)Tribunal and the Tribunal de l'éducation de l'enfance en difficulté de l'Ontario (français).

This year the Tribunals continued to streamline and refine their processes and procedures. This work supported the overarching goal to provide access to natural justice in a fair, open and efficient manner. The Tribunals' members have expert knowledge of special education, and as a result, are able to provide adjudication for the benefit of exceptional students and their families, as an alternative to appealing to the courts to address any unresolved disputes.

While the case load of the special education tribunals is relatively small, the issues addressed by the Tribunals are important to students and their families and to the appropriate and effective delivery of special education in Ontario.

We would like to take this opportunity to thank all members and staff who are committed to meeting our performance targets and enabling the Tribunal to fulfill its mandate.

Sincerely,

Marilyn Thain
Chair
Ontario Special Education (English) Tribunal

Céline T. Allard
Présidente
Tribunal de l'éducation de l'enfance en difficulté de l'Ontario (français)

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A. INTRODUCTION AND HIGHLIGHTS

The Ontario Special Education (English and French) Tribunals are pleased to provide the following Annual Report on the activities of the Tribunals from April 1, 2006 to March 31, 2007.

This report was prepared under the direction of the chairs for submission to the Minister of Education in accordance with the Agency Establishment and Accountability Directive (February 2000) as issued by Management Board Secretariat.

The Tribunals' priorities are shaped by their legislated mandate. The core function under section 57 of the *Education Act, R.S.O. 1990,* c. E. 2 is to adjudicate appeals by parents, regarding identification or placement decisions made by school boards with respect to exceptional pupils.

During 2006-07 the English Tribunal disposed of 16 appeals and the French Tribunal disposed of one appeal. Although the number of appeals filed with the English Tribunal is larger than it has been in the past, it actually represents approximately 1/100th of one percent of the total number of Identification, Placement and Review Committee's (IPRC) that occurred during 2006-07 in Ontario.

This year a new member was appointed to the English Tribunal. The English Tribunal now has eight members including the chair and vice-chair, and the French Tribunal has three including the chair and vice-chair. No new members were appointed to the French Tribunal.

This report will show how the Tribunals met their targets by avoiding delays in appeals getting to a hearing, deciding appeals in a timely manner and issuing decisions in a timeframe established in the tribunals' *Rules of Procedure* and the *Business Plan.* The chair of the English Tribunal appointed one member to serve as vice-chair to assist in the execution of the heavy workload.

The Tribunals have continued to work on developing a solid infrastructure to support their present and future work. This infrastructure, first and foremost, will support the tribunals' core function to adjudicate matters and issue decisions with comprehensive written reasons in a timely and cost effective manner. This infrastructure supports a process that is fair, transparent and cognizant of the limitations of and difficulties faced by parents who come to the hearings without legal counsel or an advocate, i.e. self-represented.

During 2006-07 all members contributed to the writing of documents that support the tribunals' work. Member working groups were established to develop policies and procedures that expanded certain aspects of the *Rules of Procedure* to assist all tribunal members in their work as adjudicators. These policies and procedures support the adjudicative process and have become part of the *Members' Orientation and Training Binder.* Documents that are now completed and available to the public to support the adjudicative process include the tribunals' *Rules and Procedures* and the *Information for Parties.*

The Tribunals recognize the importance of making information accessible to the parties to an appeal and to the public. A website was launched in the spring of 2007. This website provides a virtual face to the Tribunals and will provide access to

documents written to support the hearing process, links to other websites regarding special education, and past decisions of the Tribunals which have been anonymized to protect the families' privacy.

Ongoing training of the members is critical to the effective and efficient adjudication of appeals. This report will describe the opportunities members had to expand their knowledge, skills and understanding of their role as adjudicators. All members' meetings, formal courses and attendance at the annual Conference of Ontario Boards and Agencies further strengthened the members' skills to adjudicate.

During 2006-07 the Tribunals undertook to identify core competencies for members and delineate the roles and responsibilities of members, counsel and secretaries for the Tribunals. This information will assist in streamlining the hearing process and the adjudicative role.

The Ontario Special Education Tribunals support the goals of the Government of Ontario to provide a process for the impartial resolution, in the best interests of individual students, of disputes between parents and school boards concerning the identification of children as exceptional pupils and the placement of exceptional pupils in appropriate special education programs.

This year has been a productive one that demonstrated how a solid infrastructure supports responsive, cost-effective and consistent adjudication within the Tribunals' mandate.

The Tribunals want to draw attention to the observations gathered during 2006-07. These arise from the unique opportunity for tribunal members to hear evidence from school boards and parents concerning individual students.

1. Adherence to Timelines

In the past, the Tribunals often received evidence indicating that the timelines and other requirements stated in the *Education Act* for the implementation of the Identification, Placement and Review Committee (IPRC) and the Special Education Appeal Board (SEAB) had not been adhered to by school boards. During this past year there was evidence of significant improvement in this area. School boards in most cases did observe the timelines and for the most part observed the requirements of the IPRC and the SEAB.

2. Self-represented Parents

During this year, the Tribunals observed that more parents came to the hearings self-represented than previously. School boards continue to be represented by legal counsel. This often resulted in longer hearings and greater costs to both parties.

In an effort to assist, the Tribunals have written and provided resources to the parents, to expand their knowledge and understanding of the quasi-judicial adjudicative process. We anticipate that these resources will continue to assist parents.

3. Benefits of Effective Communication

During the appeals heard in 2006-07 there were requests for both regular classroom and for special education class placements. Where parents requested placement in regular classrooms, there was an expectation that appropriate special education programs and services would be provided and that these should be delineated in the students' Individual Education Plan. It is the Tribunals' observation that students who are placed in the regular class appear to receive a very definite benefit if they have an appropriate comprehensive identification, which in addition to describing the student's strengths and needs contains some specific recommendations for teaching and for making accommodations. It was also the Tribunals' observation that in some cases, this type of discussion was not occurring and the parents felt that they did not understand the full nature of the placement and how it was going to benefit their child.

Another example of communication challenges arose when a school board representative suggested to the Tribunal that IPRC meetings were no longer required due to new ministry directives. This misunderstanding may lead to parents being unaware of their rights to the IPRC process and of the right to appeal.

The Tribunals observed that there has been a real effort by school boards to initiate mediation with parents in disputes over the identification and/or placement of exceptional pupils. We have observed that parties continued to dialogue throughout the hearing process, often reaching agreements. Some parents requested the Tribunal's involvement and support by asking that the agreement that they reached be made a consent order of the Tribunal.

In line with current ministry directions and the contents of the *Special Education Transformation* document, the Tribunals are exploring the implementation of alternative dispute resolution as a part of the Tribunal's role in resolving disputes between families and school boards. The details of this plan are described in this *Annual Report*.

B. MANDATE OF THE TRIBUNALS

The Tribunals' legislative authority is set out under subsection 57(1) of the *Education Act*, "The Lieutenant Governor in Council shall establish one or more Special Education Tribunals".

The Tribunals' mandate is set out in subsections 57(3) and 57(4). Subsection 57(3) states:

"Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to a Special Education Tribunal for a hearing in respect of the identification or placement."

Subsection 57(4) reads, "The Special Education Tribunal shall hear the appeal and may:

(a) dismiss the appeal; or
(b) grant the appeal and make such order as it considers necessary with respect to the identification or placement."

In accordance with subsection 57(5) of the Education Act, a decision of a Special Education Tribunal is final and binding on the parties to the decision.

C. PURPOSE AND VALUE

Appealing to the Ontario Special Education (English and French) Tribunals is the final step within the education system for parents to appeal a decision of their school board concerning identification and/or placement of their child as an exceptional pupil.

Parents who believe their child is an exceptional pupil in need of a special education program or special education services may request that the principal of their child's school initiate the school board's identification and placement process. The principal will arrange for a school board Identification, Placement and Review Committee (IPRC) to meet with the parents in order to determine whether the child is an exceptional pupil and to determine the appropriate educational placement for the child. Parents who disagree with the decision of the IPRC are entitled to a hearing by a Special Education Appeal Board (SEAB) which meets with parents and school board officials, considers all relevant information again and reports its recommendations to the school board. Following its review of the recommendations of the SEAB, the school board advises the parent(s) of its decision with respect to the identification and placement of the pupil and also advises the parent(s) that they may appeal this decision to the Ontario Special Education (English or French) Tribunal.

The identification and placement decisions of an IPRC are decisions which differentiate a child from other pupils and which, in the absence of due process, could be perceived by parents or others as discriminatory under the Ontario Human Rights Code or under the Canadian Charter of Rights and Freedoms. The IPRC process, with its right of appeal to a Special Education Appeal Board and ultimately to the Ontario Special Education (English or French) Tribunal, provides for these decisions to be made impartially, in the best interests of the child, and with full and fair consideration of the wishes of the parents or guardians.

Persons are appointed to the Tribunals on the basis of their knowledge and experience with exceptional children, their experience with the education system, and their knowledge of the adjudicative process. The Tribunals provide a venue within the education system (as opposed to the Ontario Human Rights Commission or the courts) where disputes between parents and school boards, concerning identification and/or placement, are resolved by individuals with specialized knowledge and experience. When parents and school boards perceive that a decision has been made by impartial and knowledgeable persons who have heard all the relevant facts and who have accurately and fairly applied the law, they are more likely to accept the

Tribunal's decision whether or not it is the decision for which they asked. The courts recognize the Tribunals' expertise and are reluctant to set aside a decision of the Tribunal made within its sphere of expertise. By making a final and binding decision, the Tribunals help the parents and school board to put aside their dispute and to get on with the work of ensuring an appropriate education for the pupil.

The time and costs associated with Tribunal proceedings may appear to the parties to be high, but they are necessary in order to ensure the parties receive full, fair and unbiased hearings in accordance with the principles of natural justice. Because parents are usually self-represented at hearings, the monetary costs to parents are usually modest. Parents find the Tribunals' processes to be less costly and more parent-friendly than the courts. Also, the Tribunals' processes are generally more expeditious than either the courts or the Ontario Human Rights Commission.

The Tribunals are bound by statutes (e.g. the *Education Act),* regulations and decisions of the courts and guided by their own jurisprudence. It is their role to apply the law to the facts of each case. Some Tribunal cases involve circumstances which may not have been anticipated by the drafters of the *Act* and regulations. It is often necessary for the Tribunals to interpret the *Education Act* and regulations and even to balance apparently conflicting provisions. The resulting Tribunal decisions are a guide to the Tribunals in future hearings, and may be helpful to Special Education Appeal Boards, school boards, parents and the Ministry in interpreting the *Act* and regulations.

In turn, the Tribunals take notice of, but are not necessarily bound by, the policy statements of the Ministry of Education. Tribunal decisions which are inconsistent with Ministry thinking could alert the Ministry to a need for clarifying amendments to the *Act* or regulations.

The cases heard by the Tribunals are detailed inquiries into the needs of individual students and the efforts of parents and school boards to ensure that those needs are met. The Tribunals believe that the records of the hearings, particularly the written decisions, are a potentially valuable source of information for Ministry policy makers, educational researchers and advocacy organizations.

School board special education staff and IPRC members in particular stand to gain from a study of Tribunal decisions. The Tribunals' decisions will clarify the application of the *Education Act* and regulations to the identification and placement practices of school boards in areas which have proven particularly contentious to parents. Having these decisions now posted on a website will enable the public to have easy access to past decisions.

D. ACCOUNTABILITY

The Ontario Special Education Tribunals (English and French) are committed to conducting timely, fair, efficient and impartial hearings that are consistent with the governing legislation and regulations under the *Education Act.* The Tribunals are independent adjudicative agencies of the Government of Ontario, reporting through the Minister of Education.

In the adjudication of cases, the Tribunals function as independent quasi-judicial bodies, subject to the principles of natural justice and the requirements of the *Statutory Powers Procedures Act* (SPPA). The Tribunals' primary role is adjudicating appeals by parents of identification or placement decisions made by school boards with respect to exceptional pupils. The Tribunals are accountable through the courts (judicial review process) for the fairness and correctness of their adjudicative decisions.

The business functions of the Tribunals are managed by staff of the Special Education Policy and Programs Branch of the Ministry of Education, in accordance with the management practices of the Ontario Government.

The Tribunals' relationship with the Minister is governed by a *Memorandum of Understanding* (MOU) between the Ontario Special Education (English and French) Tribunals and the Minister of Education. The MOU describes the responsibilities of the Minister, the chairs and the members, and specifies that the Tribunals are required to provide the Minister with an *Annual Report* and an annual *Business Plan*. Other elements of the MOU include:

- updating the MOU; and
- complying with Management Board and Ministry of Education policy directives.

The Tribunals began a review of the MOU in March 2007. This task will be completed during the 2007-08 fiscal year.

E. AGENCY PERFORMANCE

The core business of the Ontario Special Education Tribunals is to conduct hearings and issue decisions in compliance with the *Education Act*.

The number of appeals that are received and the complexity of the cases determine the amount of work that is needed to be done from month to month. This can fluctuate significantly.

The Tribunals strive to meet a demanding schedule and deliver quality service. During 2006-07, timelines were adhered to in responding to requests for appeals and in rendering decisions.

1. Performance Targets and Their Achievement

The *Business Plan* for 2006-07 contained three key commitments, related to the tribunals' core tasks. These are as follows.

a. Adjudication

Key Commitment: The Tribunals will strive to reduce the length of time taken to issue written decisions.

Performance Target: The Tribunals will issue their decisions within 90 calendar days following the completion of the hearing, representing a 15% improvement from the baseline.

The following table shows the time taken to issue the decisions.

	Number of days for issuing decisions without reason	Total number of days for issuing decisions with reasons
Jurisdiction hearings	34 9	74 75 28 70 31 **Average: 56 days**
Hearings on the merit	61	86 97 66 **Average: 83 days**

As is shown above, with the exception of one case, all decisions were issued in less than the target of 90 days. Therefore, the performance target was met.

The 2006-07 *Business Plan* contained a series of strategies for improvement related to the Tribunal's core function of adjudication. These were all met as follows.

- Hearing and disclosure dates were set by teleconference.

  The expected timing of such teleconferences is delineated in the *Tribunals' Guide to the Hearing Process*. In spite of the chairs and secretaries best efforts, there have been times when the timelines were not met due to a variety of reasons, most of which are beyond the Tribunals' control. General improvement however was made, ensuring each appeal was responded to by a teleconference with plans made to proceed with the appeal expediently.

- Training for tribunal members provided in a timely manner.

  A new member was appointed to the English Tribunal and has received a full day of orientation with the chair, vice-chair, a mentor (member of the English Tribunal) and secretary. She has observed a hearing with a mentor and will attend the Society of Ontario Adjudicators and Regulators (SOAR) training programs at the first available opportunity.

- Handbook for tribunal members developed.

  During 2006-07 a number of resource documents were developed to support the tribunals' work. These documents expand on certain aspects of the *Rules of Procedure* to assist all tribunal members and have become part of the *Members' Orientation and Training Binder.*

- All-members' meetings continued.

  During the current fiscal year, tribunal members came together twice for the purposes of professional development and for discussions related to issues of policy, law and adjudicative practice. In addition, there were several small working group meetings involving members and several regularly scheduled meetings of the chairs.

The targets and strategies for improvement under the adjudication heading for 2006-07 have been met.

b. Alternative Dispute Resolution (ADR)

Key Commitment: The Tribunals will continue to encourage parties to resolve their disputes without a hearing.

Performance Target: There were no specific targets set for the current fiscal year. The *Business Plan* stated that these will be identified following the development of the ADR plan.

During the preliminary teleconference with the panel chair, all parties to the new appeals were encouraged to attend mediation.

The *Business Plan* for the current year included two specific strategies for improvement. These were as follows.

- The Tribunals are supportive of any process which will assist parents and school boards to resolve some or all of their issues by means other than adjudication.

  The Tribunals provide flexibility of timelines and openness to parties settling all or parts of their disagreements.

  The Tribunal has jurisdiction to issue a consent order. This jurisdiction is set out in section 4.1 of the *Statutory Powers Procedure Act (SPPA).* Based on this section of the SPPA, the tribunal's *Rules of Procedure* and the tribunal's

experiences in working with these parties on developing and issuing the consent orders, a procedure has been developed for responding to a parent's request for a consent order.

Four cases that had been carried forward from the previous fiscal year were resolved through the development and issuing of consent orders.

- During 2006-07 the Tribunals plan to consider steps which they can take to encourage mediation or other forms of ADR. These measures will be articulated by developing a plan that will outline the Tribunals' use of ADR.

  During the current fiscal year, a working group was established to consider the implementation of ADR, as a process for assisting parties to resolve their disputes without a hearing. Following some preliminary research and discussion among members, a preliminary plan was agreed upon. As the first step in this plan, two members of the Tribunals commenced ADR training. This training will be completed during 2007-08 and two or more other members may take similar training. Following this, the members of the working group will finalize how ADR will be implemented as part of the Tribunals' routine practice. One anticipated step will be the accreditation of at least some of the members as trained mediators.

As is described above, the key commitment and the proposed strategies for improvement for 2006/07 under the ADR heading have been met.

c. Client Service

Key Commitment: The Tribunals are committed to meeting the needs of their clients to ensure that clients are satisfied with the services offered by the Tribunals.

Performance Target: Clients will have easy access to relevant information. The Tribunals will develop products that support this commitment.

The performance target under this heading is to provide easy access to relevant information for the clients of the Tribunals. Achieving this target should ideally lead to the Tribunals' clients being well prepared for their hearings before the Tribunals. The Tribunals undertook a number of steps to achieve this goal during 2006-07. These included the following.

- The Tribunals' *Rules of Procedure* and forms used by the appellants and respondents at the start of an appeal were reviewed and revised.
- The Tribunals' *Information for Parties* document was completed during this fiscal year. Parties to an appeal receive the *Rules of Procedure* and the forms for application and response, prior to the formal launch of the appeal.
- During the current fiscal year, the Tribunals developed a bilingual public website, which will ensure that the Tribunals' clients and publics are aware of and well informed about the work of the Tribunals. The website also makes available the anonymized versions of past decisions.
- The Tribunals' have implemented a privacy policy to enable them to disseminate their past and ongoing decisions to all interested persons, while

protecting the privacy of vulnerable persons in accordance with Ontario's privacy legislation. As part of this policy, all decisions are anonymized in a consistent manner according to the Tribunals' own procedures.

- During 2006-07, the Tribunals submitted to the Minister an *Annual Report 2004-05 and 2005-06* and are now submitting their *Annual Report 2006-07*. Once the Minister has tabled this report in the Legislature, it will be posted on the Tribunals' website for public information and for the information of clients in particular.
- The development of a formal public complaints or response process to the Tribunals has begun by inviting clients and the public to provide feedback on relevant issues to the Tribunals through their public website.

2. Caseload Analysis

The Tribunals are pleased to report that the backlog of cases that resulted from an increase in the number of appeals and a period of time in early 2005 when the English Tribunal lacked members to hear appeals, has been eliminated. This was made possible by the English Tribunal appointing a vice-chair and having another member serve as panel chair. This in turn required all members to commit considerable time to their part-time roles as tribunal members. This ongoing commitment enabled the Tribunals to meet their established performance targets and their adjudicative responsibilities.

In addition, the Tribunals developed policies and resources that are aimed at streamlining the appeal process and began the development of an alternative dispute resolution process to encourage parties to narrow the issues or settle their differences.

During 2006-07 the English Tribunal disposed of 16 cases, and the French Tribunal disposed of one case. The fiscal year began with 14 active cases and an additional 3 were received during the month of June 2006.

Table Showing Activities of Cases 2006-07 - English Tribunal

Type of Hearing			Disposition of Cases				
Case #	**Preliminary Hearing**	**Hearing on the Merits**	**Decision Rendered**	**Out of Jurisdiction**	**Consent Order**	**Dismissed**	**With-drawn**
48	X		X		X		
50	X		X		X		
51	X		X				X
52	X		X				X
54	X		X				
55		X	X				
56		X	X				
57	X	X	X				
58	X	X	X				
59	X		X	X			
60	X		X				
61	X		X			X	

In addition to the 12 cases listed above, 3 appeals were withdrawn as a result of successful mediation that was initiated and completed by the parties.

In three cases, the English Tribunal's decision was issued initially without reasons, followed by the full decision with reasons. While the Tribunals prefer to issue their complete decision with reasons, there are times when it is necessary and in the best interests of the student to release a decision without reasons; for example, to assist with placement decisions for the start of the school year.

One of the decisions issued during the previous fiscal year was judicially reviewed during 2006-07. The Divisional Court upheld the Tribunal's decision and the procedures that led to the decision I v. Toronto District School Board.

Table Showing Activities of Cases 2006-07 - French Tribunal

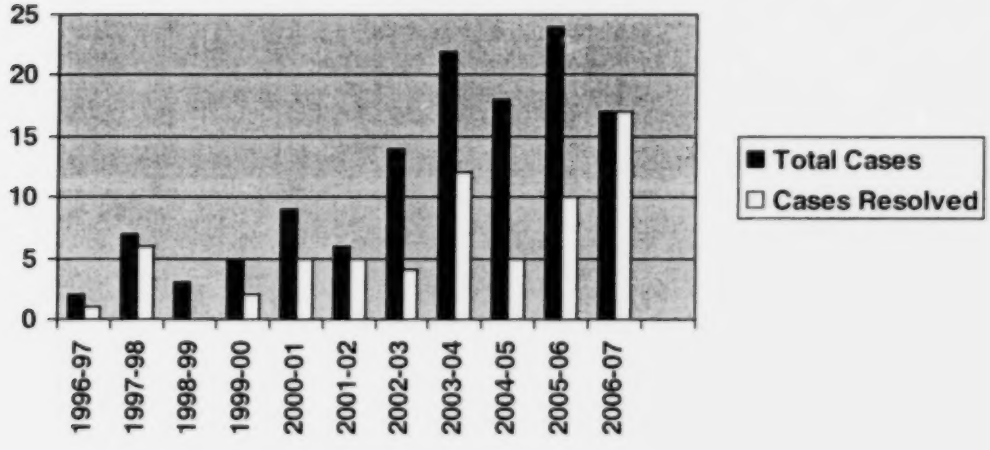
Type of Hearing			Disposition of Cases				
Case #	**Preliminary Hearing**	**Hearing on the Merits**	**Decision Rendered**	**Out of Jurisdiction**	**Consent Order**	**Dismissed**	**With-drawn**
53	*x*		*x*				*x*

The case heard by the French Tribunal was withdrawn by the parent following a preliminary hearing.

There have been no appeals received since July 1, 2006 and there were no active cases at fiscal year end.

The following chart presents a summary of active cases each fiscal year from 1996 to the present.

Summary of Special Education English Tribunal Cases 1996-97 to 2006-07

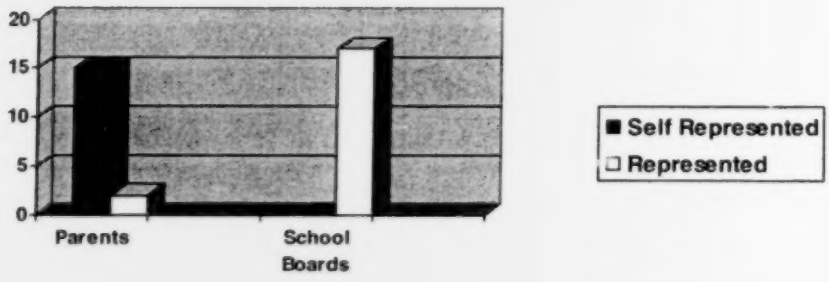


During 2006-07 a variety of exceptionalities were brought forward in the appeals. Of the 17 English and French appeals the following represents the exceptionalities addressed:

Exceptionality	# of Appeals
Autism	6
Gifted	4
Learning Disability	2
Developmental	1
Deaf/Hard of Hearing	1
Multiple	2
Undeclared	1

School boards come to Tribunals with legal counsel, whereas it is more common for parents to come self-represented. The time and costs associated with the Tribunals' proceedings generally are greater for school boards and the Tribunals where the parents are self-represented.

Table to Show Comparison of Representation of Parties
2006-2007



F. FINANCIAL RESOURCES

Financial support for the operation of the Tribunals is provided from within the budget allocation of the Ministry of Education and is monitored by the Ministry through the Ontario Government's Integrated Financial Information System (IFIS). The IFIS system does not do well in meeting the needs of the Tribunals and the Ministry for timely and relevant information about tribunal expenditures. This is because IFIS account codes do not match well with tribunal activities and because expenditures on tribunal matters are made in response to expense and per diem claims of members, and invoices from suppliers, which are sometimes received months after the fact.

During 2006-07 tribunal staff developed and pilot tested an expenditure tracking system which includes both actual expenditures and detailed estimates, and identifies expenditures on individual appeals and administrative projects. This system is intended to:

- maintain current information on the status of expenditures in relation to budget;
- provide timely indications of likely budget over-runs or under-runs;
- report costs of individual appeals and administrative projects as a basis for future budget preparation; and
- enable staff to identify and follow-up with members and service providers who have not submitted claims or invoices.

The Tribunals' workload is determined by the number and complexity of appeals that are filed by parents, and by the planning and accountability activities that the government requires of all agencies. A number of factors affected costs during the 2006–07 fiscal year.

- An unprecedented seventeen appeals were resolved.
- Only three new appeals were received.
- The backlog of cases was reduced to zero.
- The Tribunals have continued their practice (begun in 2005) of using working groups of members to complete projects to which the Tribunals had committed in the Memorandum of Understanding.
- The Tribunals have taken advantage of the hiatus in appeals to review and systematize their adjudicative and administrative processes.

The following table summarizes direct operating expenditures of the Tribunals for the 2005–06 and 2006–07 fiscal years using relevant IFIS account categories.

Tribunal Operating Expenditures, 2005-06 and 2006-07

	2005–06	**2006-07**
Transportation and Communication	$53,098	$46,102
Services:		
• Per diem payments to members	$155,975	$203,246
• Other services (e.g., court reporting)	$81,790	$114,450
Supplies and Equipment	$9,064	$7,495
TOTAL	**$299,927**	**$371,293**

The above expenditures do not include the salary and benefit costs, or the office overhead costs of the staff support provided by the Ministry of Education, or payments made to the Tribunals' counsel.

G. HUMAN RESOURCES

The Ontario Special Education (English) Tribunal has 8 members including the chair. In accordance with the *Education Act*, ss 57.1.4, the chair of the English Tribunal appointed one of the members of the Tribunal as vice chair on August 20, 2006. The Ontario Special Education (French) Tribunal has 3 members including the chair.

1. Members of the English Tribunal

NAME	ROLE(S)	INITIAL APPOINTMENT	EXPIRY DATE
Marilyn Thain	Member, Chair	February 28, 1996	February 12, 2008
Eva Nichols	Member, Vice-Chair	January 27, 2005	February 26, 2008
Derryn Gill	Member	April 6, 2005	June 29, 2007
Janice Leroux	Member	November 15, 2006	November 14, 2008
Julie Lindhout	Member	April 6, 2005	June 29, 2007
Uma Madan	Member	October 18, 2005	November 17, 2011
Jim McCaughey	Member	May 11, 2005	May 8, 2012
Noel Williams	Member	October 18, 2005	November 17, 2011

2. Members of the French Tribunal

NAME	ROLE(S)	INITIAL APPOINTMENT	EXPIRY DATE
Céline Allard	Member, Chair	May 1, 1991	February 12, 2008
Robert Lefebvre	Member, Vice-Chair	January 27, 2005	February 26, 2008
Yvon Huppe	Member	October 18, 2005	November 17, 2011

Brief biographical summaries for each of the appointed members can be found on the Ontario Speciai Education Tribunals' website. www.oset-tedo.ca

3. Professional Development

The complexity of the cases heard by the Tribunals requires that the chairs and members have a thorough understanding of administrative law principles and practice, as well as of special education in Ontario. It is important that members of the Tribunals have the skills, experience and the proficiency to achieve its mandated goals. The

members' insights and diverse viewpoints are invaluable in helping the Tribunals successfully discharge their mandate.

As part of their commitment to adjudicator training, the Tribunals have sponsored members to the following programs organized by the Society of Ontario Adjudicators and Regulators (SOAR):

- training in adjudication (a five-day Adjudicator Training course);
- training in deliberation and decision writing through the Effective Decisions course;
- training in procedures for adjudicating cases involving unrepresented litigants and people with low literacy skills; and
- the annual Conference of Ontario Boards and Agencies (COBA). (The Tribunals consider their members' participation in this conference to be important in order to establish and maintain contact with other Tribunals. It is an opportunity to remain current with changes in administrative law and to enhance specific skills that are required to be an effective member.)

During this fiscal year, each member has participated in one or more hearings. Two members had the opportunity to chair panels as a result of the high caseload.

Tribunal members were offered the opportunity to attend related workshops such as *Tools for Learning: the Effective Use of Assistive Technology for Students with Special Education Need* and a *Group Alternative Dispute Resolution Workshop*. New members in their first year of service received orientation training including the opportunity to audit a hearing. The tribunal members meet at least twice during the year. These meetings have contained elements of ongoing professional development to update members on emerging issues and to provide forums for members to discuss decision making and other matters. Legal counsel for the Tribunals provide updates regarding legislation that impacts the tribunals' adjudicative function.

Members are provided with the resource materials necessary to support their roles as adjudicators. These include Butterworth's compendium of Education Statutes and Regulations, copies of the Education Law Reporter and updates on relevant legislative and policy matters.

Members are expected to comply with the tribunals' *Code of Conduct* and are encouraged to actively increase their knowledge and understanding of administrative justice.

4. Administrative Support

The business functions of the Tribunal were managed by Ministry of Education staff, in accordance with the management practices of the Ontario Public Service.

A secretary for the English Tribunal and a secretary for the French Tribunal were appointed from Ministry staff. Other staff members supported the adjudicative process and the administrative projects of the Tribunals as needed. The secretary also attends the hearings to facilitate the organization of the hearing room and respond to the needs of the parties or members as required.

A court reporter records the proceedings at each hearing. This results in complete transcripts of the proceedings which are made available to the members of the panel. Hearing transcripts are also available to the parties (at their own cost) with the permission of the Tribunal.

Legal support is provided to the Tribunals by two lawyers from the Attorney General's Office.

H. LOOKING AHEAD

In conclusion, during 2006-07, the Tribunals have realized significant improvements in their primary adjudicative function, i.e. the scheduling of hearings and the average number of days required to render a decision. The quality of the decisions continued to be the highest priority with a focus on the best interests of the students, coupled with meeting the demands of the legislation and acting within the principles of natural justice and due process. New commitments have been made for the coming year including the introduction of alternative dispute resolution measures. These are included in the Tribunals' three year *Business Plan 2007-10.*

All of these activities are focused on benefiting exceptional students by providing them with the most effective and enabling educational placements and services.